

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DONALD W. ELAM,

Plaintiff,

VS.

**KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

MEMORANDUM AND ORDER

BEATTY, Magistrate Judge:

This matter is before the Court on the parties' joint motion to award attorney fees and expenses, filed on May 19, 2022 (Doc. 26). Plaintiff requests attorney fees and expenses in the amount of \$6, 872.92 (*Id.* at p. 1). The parties outline that this amount addresses fees and expenses only and should Plaintiff decide to seek additional costs, Plaintiff will do that separately. *Id.*

The Court finds that Plaintiff is the prevailing party and is entitled to an award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d)(1)(B), in full satisfaction of any and all claims for attorney fees and expenses in this matter. The Court further finds that the agreed upon amount is reasonable and appropriate. This award shall fully and completely satisfy any and all claims for fees and expenses that may have been payable to Plaintiff in this matter pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412.

The Parties' joint motion to award fees and expenses pursuant to the Equal Access to Justice Act (EAJA) (Doc. 26) is **GRANTED**. The Court awards Plaintiff attorney's fees and expenses in the amount of \$6,872.92 (six thousand eight hundred seventy-two dollars and ninety-two cents).

The amount awarded is payable to Plaintiff and is subject to set-off for any debt owed by Plaintiff to the United States, per *Astrue v. Ratliff*, 560 U.S. 586 (2010). *See also Harrington v. Berryhill*, 906 F.3d 561 (7th Cir. 2018). If Defendant can verify that Plaintiff does not owe a pre-existing debt to the government subject to the offset, Defendant will direct that the award be made payable to Plaintiff's attorney pursuant to the EAJA assignment duly signed by Plaintiff and counsel.

IT IS SO ORDERED.

DATED: June 17, 2022

s/ Mark A. Beatty
MARK A. BEATTY
United States Magistrate Judge